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RECOMMENDED BY: THE TRANSPORTATION AND PLANNING & ZONING  
COMMITTEES

SUBMITTED BY: DARRELL O'QUINN, CHAIR, TRANSPORTATION  
COMMITTEE

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND TITLE 4, "MUNICIPAL SERVICES", CHAPTER 5, "STREETS & SIDEWALKS", OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980, TO ADD A NEW ARTICLE FOR THE CREATION OF A COMPLETE STREETS POLICY.**

**WHEREAS**, the City of Birmingham aims to create a comprehensive and connected transportation network; and

**WHEREAS**, the City of Birmingham aims to be a livable community with enhanced mobility, equity and vitality in all neighborhoods through the design, maintenance, and use of Birmingham's public rights-of-way; and

**WHEREAS**, the City of Birmingham desires to encourage walking, bicycling and transit use as safe, convenient and widely available modes of transportation for all people; and

**WHEREAS**, the City of Birmingham desires to adopt a Complete Streets policy which is to be used as a guiding principle, where practicable and economically feasible, in the design, operation and maintenance of City streets to promote safe and convenient access and travel for all users, including pedestrians, bicyclists, motorists, transit riders, and people of all abilities; and

**WHEREAS**, those who travel on foot, with a wheelchair or any other assisted mobility device, on bicycle and on transit are significant users of the right-of-way and equally deserving of safe and adequate transportation infrastructure; and

**WHEREAS**, Complete Streets provide opportunities to facilitate daily physical activity through active transportation; and

**WHEREAS**, the City's Comprehensive Plan and the Woodfin Plan identifies Complete Streets implementation as a strategy for ensuring Birmingham's transportation system helps to build the City's economy and contributes to the development of a livable urban center in the region; and

**WHEREAS**, developing Complete Streets was an action identified as a Five-Year Priority by the Comprehensive Plan Implementation Committee and a first 100-day priority of the Woodfin Plan; and

**WHEREAS**, the City of Birmingham Planning Commission approved a Resolution endorsing Complete Streets on September 7, 2011; and

**WHEREAS**, the City of Birmingham Planning Commission adopted the Red Rock Ridge and Valley Trail System plan on December 4<sup>th</sup>, 2013 that includes recommendations for a comprehensive trail network comprised of sidewalks, bike lanes, and trails; and

**WHEREAS**, the City of Birmingham Planning Commission adopted the City's Sidewalk Master Plan on October 5<sup>th</sup>, 2016; and

**WHEREAS**, planning documents are now underway to further guide Complete Street decisions including *B'Active Plan* by the Regional Planning Commission of Greater Birmingham, *Transit Development Plan* for BJCTA and the *Transportation Development Program for the City of Birmingham (TDPCB)*; and

**WHEREAS**, nearly 95% of Birmingham residents drive or carpool to work, among the lowest non-motorized and transit travel-mode shares of any major U.S. metropolitan area; and

**WHEREAS**, over 13% of households within the City of Birmingham do not have access to a car; and

**WHEREAS**, the City will be hosting the World Games 2021, which will bring thousands of people from around the world to the City; and

**WHEREAS**, the City of Birmingham is developing a Bus Rapid Transit line to enhance mobility within the City and provide the foundation for an improved public transportation system; and

**WHEREAS**, the City of Birmingham is a partner in the development of the Zyp BikeShare program, which currently includes a network of 40 kiosks and 400 bikes throughout the City; and

**WHEREAS**, the City of Birmingham is a partner in the Safe Routes to School program, which aims to create safe, convenient, and fun opportunities for children to bicycle or walk to and from school; and

**WHEREAS**, the City of Birmingham is a participant in the STAR Community Rating System, which provides a data-driven approach to assessing a community's sustainability efforts, which includes measurements related to travel modes and developing safe transportation options; and

**WHEREAS**, the City hopes to spur economic activity through the use of creative place-making to strategically shape the physical and social character of a place via arts and culture throughout Birmingham; and

**WHEREAS**, the City of Birmingham values innovation in transportation planning and strives to be a leader in regional policy-making; and

**WHEREAS**, The City Council finds the adoption of a Complete Streets Policy is in the best interest of the City to achieve a comprehensive connected network which will promote public health, safety and welfare for all Citizens of Birmingham.

### **Section 1.**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Birmingham, Alabama that Title 4, “Municipal Services”, Chapter 5, “Streets and Sidewalks”. Is hereby amended to add a new article “L” as follows:

#### **1. Complete Streets Policy**

It is the policy of the City of Birmingham to develop a safe, reliable, efficient, integrated and connected multimodal transportation network that will provide access, mobility, safety and connectivity for all users, and will ensure that the safety and convenience of all users of the transportation system are accommodated, including motorists, pedestrians, bicyclists, users of public transportation, emergency responders, freight providers, people of all ages and abilities, and adjacent land owners.

#### **2. Applicability**

- A. The City shall apply this Complete Streets policy to all City-owned transportation facilities in the public right-of-way including, but not limited to, streets, sidewalks, and bridges, regardless of funding source.
- B. The City shall apply this Complete Streets policy to all transportation projects such as, but not limited to, new road construction, reconstruction, retrofits, upgrades, resurfacing, and rehabilitation.
- C. The City shall apply this Complete Streets policy to all construction projects of new public streets, the City’s Pavement Management System, and any large-scale non-emergency utility work.
- D. Routine maintenance activities designed to keep assets in serviceable condition (e.g. mowing, sweeping, pothole repair, utility covers, street tree replacement or other interim measures) may be excluded from the requirements of this ordinance.
- E. This policy will be triggered for all City owned transportation projects as they are scheduled except for routine maintenance as noted in item D.

- F. There will be an evaluation of each project in terms of the applicability of this complete streets policy including whether any exceptions provided in section 5 of this policy may apply.
- G. While this policy does not mandate certain designs or construction standards and does not require specific improvements, the policy does require the City to approach every transportation project and program as an opportunity to create safer, more accessible streets for all users by incorporating Complete Streets practices in the design, construction, operation, and maintenance of transportation projects, improvements and facilities. This policy is meant to be used as a guide to provide where practicable and economically feasible, in the design, operation and maintenance of City streets to promote safe and convenient access and travel for all users, including pedestrians, bicyclists, motorists, transit riders, and people of all abilities.
- H. City staff shall also work closely with State and County transportation officials to incorporate Complete Streets elements whenever feasible on projects that fall within Birmingham's corporate limits but are owned and managed by higher levels of government through increased and ongoing project coordination.
- I. Privately constructed and owned streets, sidewalks, and parking lots will be encouraged, where possible, to adhere to this policy.

### **3. Guiding Principles and Practices**

As feasible, the City shall incorporate Complete Streets infrastructure into existing public streets to create a comprehensive, integrated, and connected transportation network that balances access, mobility and safety needs of all users of all ages and abilities and the needs of adjacent land users, thus providing a fully connected, integrated network that provides transportation options throughout the city.

Transportation improvements, facilities, and amenities that may contribute to Complete Streets design features include: sidewalks, crosswalks, curb extensions, street and sidewalk lighting, bike facilities, automobile lanes, street trees and landscaping, accessible curb ramps, refuge islands, pedestrian and traffic signals, signage, bicycle parking facilities, public transportation stops and facilities, dedicated bus lanes, traffic calming measures and infrastructure.

The City will strive to incorporate Complete Streets design features into public transportation projects in order to provide suitable accommodations for bicyclists, pedestrians, transit users, and persons of all ages and abilities, as appropriate, while promoting safe operation for all users in a manner consistent with, and supportive of, the surrounding community. The goal is a balanced transportation system that recognizes the need for some roads to offer the appropriate degree of complete street accounting for each type of user, while still ensuring basic accommodation is provided for all permitted users.

#### **4. Design Flexibility**

The latest design guidance, standards, and recommendations available will be used in the appropriate implementation of Complete Streets including but not limited to the most up-to-date versions of the following:

- (1) The American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets
- (2) Manual of Uniform Traffic Control Devices (MUTCD)
- (3) The National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide
- (4) The National Association of City Transportation Officials (NACTO) Urban Street Design Guide
- (5) The Institute of Transportation Engineers publication Designing Walkable Urban Thoroughfares: A Context-Sensitive Approach: An ITE Recommended Practice
- (6) The American Association of State Highway and Transportation Officials (AASHTO) Guide for the Planning, Design, and Operation of Pedestrian Facilities
- (7) The United States Access Board's Public Rights of Way Accessibility Guidelines, (PROWAG) and any and all current or future applicable Americans with Disabilities Act (ADA) guidelines or standards.

#### **5. Exceptions**

Complete Streets principles shall be included in street construction, reconstruction, repaving, and rehabilitation projects except under one or more of the following conditions:

- (1) The project involves a facility on which certain users are prohibited by law;
- (2) An equivalent project along the same corridor or within a 1000 feet of said corridor is better suited to provide the needed infrastructure or facilities due to the lack of necessary right-of-way or conflict with right-of-way not in the City's control;
- (3) Routine maintenance of the transportation network that does not change the roadway geometry or operations, such as mowing, sweeping and spot repair;
- (4) A documented absence of current and future needs exists which will be reviewed by the Technical Oversight Committee; in coordination with the Complete Streets Advisory Committee;
- (5) Transit accommodations that are not required where there is no existing or planned transit service;
- (6) The costs of Complete Streets accommodations is excessively disproportionate to the need or probable use, as defined by twenty percent of the cost of the larger transportation project. This twenty percent figure should be used in an advisory rather than an absolute sense, and the determination must be documented by the Technical Oversight Committee and discussed with the Complete Streets Advisory Committee; or

- (7) In extreme circumstances when unforeseen consequences have been discovered or as the Director of Planning, Engineering and Permits deems necessary.

Any exception to this policy shall be both (1) supported by data and written documentation, and (2) not otherwise prohibited by applicable law or regulation. The determination shall identify the applicability of an exception for each user group whose needs will not be accommodated by the transportation project. Where there may be a question related to one of the above exceptions the Technical Oversight Committee will make the final decision if it shall apply to any particular project, and, in the absence of any adopted priority network by the Birmingham Planning Commission, a Level of Traffic Stress map may be used to help identify areas of need in the City for complete streets and if an exception should be allowed.

## **6: Priority Network**

Recognizing the need in the City that certain streets should be prioritized for complete streets, priority shall be given to any street or segment that has been specifically listed & adopted as a priority street or segment by the City's Planning Commission. The Technical Oversight Committee and Complete Streets Advisory Committee will provide the Planning Commission a recommendation regarding the proposed priority network. This Complete Streets Policy shall apply in full regard to these priority streets and segments without exceptions.

## **7. Implementation**

The City shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve streets and the transportation for all users, and shall work in coordination with other local and state departments and agencies to achieve Complete Streets to the extent feasible. To ensure implementation of this Complete Streets Policy, the City shall establish a Complete Streets Advisory Committee and a Technical Oversight Committee.

A. The Complete Streets Advisory Committee will help comply with the Complete Streets Policy and provide ongoing feedback related to the implementation of the Complete Streets Policy. The purpose of the Complete Streets Advisory Committee shall be to promote and advance both the broader vision and implementation details of this Policy, while ensuring that the needs of all users and all modes are addressed throughout the planning and design process. The Complete Streets Advisory Committee will meet at least once a quarter or as the Committee deems necessary. The Committee will also establish by-laws within the first six months of the creation of the committee.

1. The duties & responsibilities of the Complete Streets Advisory Committee will include the following:

- (a) Review annual reports and any other reports related to complete streets efforts undertaken by the City.
  - (b) Provide an advisory role to the Technical Oversight Committee as it relates to complete streets projects within Birmingham.
  - (c) Discuss data/information and the latest best practices in regards to complete streets policies.
  - (d) Support any education initiatives undertaken by the City to implement complete streets projects.
  - (e) Provide recommendations to the City's Planning Commission in terms of any priority network for the City.
  - (f) The Advisory Committee will provide feedback on the development and direction of the Complete Streets Policy, and will review and comment on annual progress reports to be presented to the Mayor and City Council.
2. The Complete Streets Advisory Committee shall be a multidisciplinary team made up of representatives from the following entities:
- One member appointed by the City Council
  - One member designated by the Mayor
  - Two officers of the City's Neighborhood Associations, one appointed by the Mayor and one appointed by the City Council
- The following organizations shall be represented on the committee by their Director/Chairman or their proxy:
- One member from the Birmingham Planning Commission
  - One member from the City's Comprehensive Plan Implementation Committee's Systems and Networks Committee
  - One member of the AARP Alabama
  - One member from the University of Alabama at Birmingham
  - One member from the American Heart Association
  - One member from United Way of Central Alabama,
  - One member from the Lakeshore Foundation
  - One member from REV Birmingham
  - One member from Birmingham Bicycle Club
  - One member from the Birmingham-Jefferson County Transit Authority
  - One member from the Freshwater Land Trust
  - One member from the Birmingham Business Alliance
  - One member from the Birmingham City Schools
  - One member from the Jefferson County Department of Health
  - One member from the Regional Planning Commission of Greater Birmingham

B. The Technical Oversight Committee will evaluate all transportation projects and determine if a project requires complete street interventions or if an exception is warranted. If the committee determines that an exception must be used, their findings shall be reported to the Complete Streets Advisory Committee. The Technical Oversight Committee will be comprised of the following inter-departmental staff, as determined by the Director of Planning, Engineering and Permits;

- 2 Engineering Staff
- 2 Traffic Engineering Staff
- 2 Planning Staff
- 1 Staff Attorney

1. The City's Technical Oversight Committee, with input from the Complete Streets Advisory Committee, shall review and either revise or develop proposed planning documents, policies, procedures, rules, regulations, guidelines, performance metrics, and paving programs to integrate Complete Streets principles in all transportation projects.
2. The City Technical Oversight Committee, with input from the Complete Streets Advisory Committee, shall develop plans and set goals to ensure the successful implementation of the Complete Streets Policy in low- and moderate-income communities. Within twelve months of Ordinance adoption, the City shall prepare an initial report to identify barriers, and propose solutions to successful implementation of the Complete Streets Policy in low- and moderate-income communities.
  - (a) For the purpose of this section, "low income community" refers to any census tract that meets one of the following criteria (as reported in the most recently completed decennial census published by the U.S. Bureau of the Census):
    - i The poverty rate for the census tract is at least 20 percent; or
    - ii For a community located within a metropolitan area, the median family income (MFI) for a census tract does not exceed 80 percent of the statewide MFI.
  - (b) For the purpose of this section, "moderate income community" refers to any census tract whose MFI is between 81 and 95 percent of the statewide MFI.

## **8. Performance Measures**

The City shall measure the success of this Complete Streets Policy using performance measures determined by Complete Streets Advisory Committee and the Technical Oversight Committee, such as:

- (1) Total miles of new or refurbished bike facilities, including off-street trails
- (2) Linear feet of new or refurbished pedestrian facilities
- (3) Percent of intersections ADA compliant
- (4) Number of new curb ramps installed or updated along city streets
- (5) Crosswalk and intersection improvements



- (6) Progress toward STAR Community standards
- (7) Number of new countdown signals installed
- (8) Installed improvements made in proximity to transit facilities
- (9) Number of Transit Shelters added

Within six months of the adoption of this Ordinance, the Technical Oversight Committee, in collaboration with the Complete Streets Advisory Committee, shall initiate a process to select performance measures and develop individual numeric benchmarks for each performance measure as a means of tracking and measuring the annual performance of the program. Such benchmarks shall be established within eighteen months of Ordinance adoption. Annual reports shall be presented to the Mayor and City Council and made available to the public.

## **Section 2. Effective Date**

This Ordinance shall become effective upon passage, approval and publication, as required by law.

## **Section 3. Severability**

That the provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held to be unconstitutional or void, the remainder shall continue in full force and effect.